UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,160	06/27/2001	David J. Metcalfe	XXT-053/D99821	5213

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EXAMINER
THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>25-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>25-43</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see pages 8-18, filed 18 August
2006, with respect to the rejections of claims 25-43 under 35
USC §103(a) have been fully considered and are persuasive.
Examiner agrees that Azumaya (US Patent 5,465,307) does not
teach the limitation determining a first line segment tag for a
first line segment of the image content, as now recited in the
presently amended claims, and the other cited references do not
correct this deficiency.   Furthermore, Examiner agrees with
Applicant that Zuniga (US Patent 5,546,474) is not properly
combinable with Azumaya based on inapplicability of the
automatic window region determination taught by Zuniga to the
two-pass processing taught by Azumaya.   Therefore, the rejection
has been withdrawn.   However, upon further consideration, new
grounds of rejection are made in view of 35 USC §101.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine,
> manufacture, or composition of matter, or any new and useful
> improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   **Claims 25-29 and 36-42 are rejected under 35 U.S.C. 101
because the claimed invention is directed to non-statutory
subject matter.**   The methods recited in claims 25-29 and 36-42
recite the internal manipulation of non-functional descriptive
data, namely the image data that is processed by the methods.
Although independent claims 25 and 36 both recite "storing a
graphical representation of the image in a page storage buffer",

no concrete, useful and tangible result is provided, such as a
physical hardcopy or a display on a monitor. Thus, the methods
recited in claims 25-29 and 36-42 are non-statutory.

4.   **Claims 30-35 and 43 are rejected under 35 U.S.C. 101
because the claimed invention is directed to non-statutory
subject matter.** The apparatuses recited in claims 30-35 and 43
comprise a memory and a processor which performs a set of steps.
It is clear both from the specification and from common
knowledge in the art that the processor is adapted to perform
said steps *via* executing software code stored in a medium
readable by said processor. However, the steps performed by
said processor are simply the internal manipulation of non-
functional descriptive data, namely the image data that is
processed by the methods. Although the processor performs the
recited step of "stor[ing] received portions of the image in a
page storage buffer portion of the memory", no concrete, useful
and tangible result is provided, such as a physical hardcopy or
a display on a monitor. Thus, the apparatuses recited in claims
30-35 and 43 are non-statutory.

Allowable Subject Matter

5.   Claims 25-43 could potentially be allowable if the issues
with respect to 35 USC §101 are overcome.

The following is a statement of reasons for the indication
of allowable subject matter:

Independent claim 25 recites automatic determination of
window region in a two-pass processing system, wherein (1) a
first segment tag for a first line segment of the image content

and a second segment tag for a second line segment of the image
content overlap each other's positions along a first axis
parallel to the first line, and (2) second-pass processing is
performed on the graphical representation of the image stored in
a page storage buffer based on identifiers written in the first-
pass processing, said identifiers determined based on whether or
not said first segment tag and said second segment tag are
equal. Examiner has not found prior art which either
anticipates this particular combination of elements or renders,
by combination, this particular combination of elements obvious
to one of ordinary skill in the art at the time of the
invention. The closest prior art is the combination of Azumaya
in view of Farber (US Patent 5,978,791) and Zuniga previously
presented. Claims 26-29 and 42 depend from claim 25, and would
therefore also be allowable if claim 25 were deemed allowable.

Independent claim 30 recites a memory and a processor which
together perform two-pass processing in which (1) a first
segment tag for a first line segment of the image content and a
second segment tag for a second line segment of the image
content overlap each other's positions along a first axis
parallel to the first line, and (2) second-pass processing is
performed on the graphical representation of the image stored in
a page storage buffer based on identifiers written in the first-
pass processing, said identifiers determined based on whether or
not said first segment tag and said second segment tag are
equal. Examiner has not found prior art which either
anticipates this particular combination of elements or renders,
by combination, this particular combination of elements obvious
to one of ordinary skill in the art at the time of the
invention. The closest prior art is the combination of Azumaya

in view of Farber (US Patent 5,978,791) and Zuniga previously
presented. Claims 31-35 and 43 depend from claim 30, and would
therefore also be allowable if claim 30 were deemed allowable.

Independent claim 36 recites automatic determination of
window region in a two-pass processing system, wherein (1) pixel
tags for a first row of image content and pixel tags for a
second row of image content are reviewed and line segments of
said first row and said second row are associated based on
common pixel tags, and (2) second-pass processing is performed
on the graphical representation of the image stored in a page
storage buffer based on identifiers and associations of the
first-pass processing. Examiner has not found prior art which
either anticipates this particular combination of elements or
renders, by combination, this particular combination of elements
obvious to one of ordinary skill in the art at the time of the
invention. The closest prior art is the combination of Azumaya
in view of Farber and Zuniga previously presented. Claims 37-41
depend from claim 36, and would therefore also be allowable if
claim 36 were deemed allowable.

Conclusion

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to James A.
Thompson whose telephone number is 571-272-7441. The examiner
can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, David K. Moore can be
reached on 571-272-7437. The fax phone number for the
organization where this application or proceeding is assigned is
571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson
Examiner
Technology Division 2625

18 October 2006

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